

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. 7888

Application No.:	10/526,734)
)
Filing Date:	March 4, 2005)
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Applicants:	Gerd Andler et al.)
)
Group Art Unit:	3682)
)
Examiner:	Lenard A. Footland)
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Title:	Piston Pin Bushing)
)
<u>Attorney Docket No. 710100-015</u>)

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Restriction Requirement mailed September 27, 2006. Applicants elect the claims of Group I (claims 1 – 8) with traverse. The Restriction Requirement also sets forth a species restriction; however, the paper does not identify the species to elect from. Page 3 of the Restriction Requirement, text lines 2 – 3, appears to have inadvertently omitted the Figure numbers that correspond to the various species. In view of this omission, Applicants cannot elect a species.

The Restriction Requirement has been based on the assertion that the product as defined in claim 1 can be made by a materially different process than that claimed in claim 9. Specifically, the Restriction Requirement is based on the assertion that the product can be made with "a process wherein the half width is more than .2 μm ." Respectfully, the restriction is

traversed on two grounds: (1) neither the product nor the process has been considered as claimed and (2) the allegedly different process is not materially different.

A process of making and a product made by the process can be shown to be distinct inventions if the product *as claimed* can be made by another materially different process. M.P.E.P § 806.05(f). In the present matter, neither claim 1 nor claim 9 recite a width limitation. The claims do recite two length/distance dimensions and both of these dimensions are recited identically (1.800 μm and 0.30 μm). It is therefore requested that the Restriction Requirement be withdrawn and all of the claims of the application be examined.

In addition, the applicants traverse the general assertion that a process for making a bearing having a particular dimension (half width of more than .2 μm) is *materially* different from a process for making a bearing having different value for the dimension (half width of than .2 μm or less). As set forth, it is unclear what the Restriction Requirement is based on since neither claims recites "half width of .2 μm ." However, as to bearing making processes, none of the subclasses indented under 29/898 is based on any dimension of the bearing. Likewise, as to the bearing itself, none of the subclasses indented under 384/121 is based on any dimension of the bearing. It is therefore requested that the Restriction Requirement be withdrawn and all of the claims of the application be examined.

Respectfully submitted,

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Date: October 27, 2006

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